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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/586,723	07/17/2006	William M. Heyn	WHP-P1-PCT	8712

7590 01/16/2009  
William H. Holt  
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12311 Harbor Drive  
Woodbridge, VA 22192

EXAMINER
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SULLIVAN, DEBRA M

ART UNIT	PAPER NUMBER
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3725

MAIL DATE	DELIVERY MODE
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01/16/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/586,723	<b>Applicant(s)</b> HEYN, WILLIAM M.	
	<b>Examiner</b> Debra M. Sullivan	<b>Art Unit</b> 3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

The claims are objected to because they include reference characters which are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

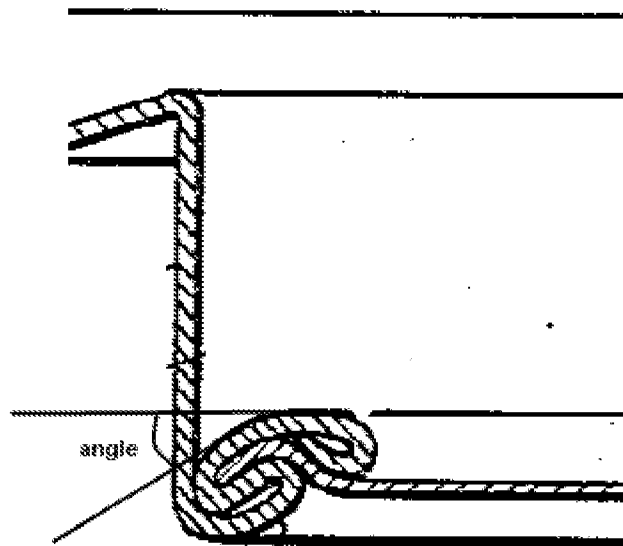
A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 1-3 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Hirsch et al (US Patent # 1,866,469). Hirsch et al discloses a method for applying an end panel (14) to a closure ring (2) for a container (1) wherein the closure ring (2) includes an inwardly directed annular flange portion (13) having a central opening for filling and emptying an associated container, the flange portion (13) being initially disposed in a plane in a planar configuration, the method including the step of securing a peripheral portion of an end panel (14) for the container (1) to the planar disposed flange portion (13) and displacing the flange portion (13), with the end panel (14) secured thereto, from the plane to an angle thereto for forming an angle with the plane [as seen in figure 9, the flange portion (13) is displaced downward and bent as indicated by the

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arrow in figure 8 thereby forming an angle with the plane; see figure below] prior to securing the ring member (2) and the end panel (14) to a container (1) [See FIGS 1, 2, 8 & 9; col. 2 lines 64-70].



In reference to claims 2 and 3, Hirsch et al further discloses the angle to be within a range between 5 and 45 degrees and approximately 25 degrees, as seen in figures 2 and 9. Furthermore, Applicant has failed to provide any criticality for the specified angle and the importance or problem it overcomes [See pg. 3 line 32 – pg. 4 line 1].

In reference to claim 6, Hirsch et al further discloses the end panel (14) is formed of foil [See col. 1 lines 27-33].

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4, 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hirsch et al in view of Admitted Prior Art. Hirsch et al discloses the invention substantially as claimed except for wherein the step of securing the end panel to the flange portion includes a heat sealing step and a step of applying an adhesive layer to the peripheral portion of the end panel and the end panel is formed of thermoplastic material. However, the admitted prior art discloses that it is old and well known in the closure manufacturing art to provide a thermoplastic material as a closure member (end panel) to an annular ring and to affix the closure member (end panel) with heat and adhesive [See Background of the Invention]. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the method of Hirsch et al to include a heating and adhesive step and provide a thermoplastic material for the end panel since it is taught to be old and well known in the art.

#### ***Pertinent Art***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. De Smet (US Patent # 5,156,511) discloses a method of forming a lid having a sealing member attached to an annular ring.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Sullivan whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Thursday 10am - 8pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached at (571) 272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Debra M Sullivan/  
Examiner, Art Unit 3725

/Dana Ross/  
Supervisory Patent Examiner, Art Unit 3725